HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Appeal No.496 of 2007

Between:

Smt.Sunder Adivamma @ Bandlagudam Adivamma

... Appellant

And

The Mandal Revenue Officer,
Rajendranagar Mandal & another

... Respondents

::JUDGMENT::

Counsel for the appellants: Shri P. Thirumala Rao

June 19, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 05.4.2007 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellant for quashing Memo No.D/1774/2006 dated 31.1.2007 issued by Mandal Revenue Officer, Rajender Nagar Mandal, Ranga Reddy District (respondent No.1 herein).

The appellant claims to have succeeded her husband in respect of the property measuring Ac.1-12 gts. in Survey No. 79, Premavathipet Village of Rajendranagar Mandal, Ranga Reddy District. On 17.10.2006, she made an application to respondent No.1 for correction of the revenue records pertaining to the land in question by contending that Agricultural University, Rajendranagar has been wrongly recorded as pattedar. After enquiry, respondent No.1

rejected the appellant's application on the ground that the Agricultural University was recorded as pattedar in the year 1976-77 and this continued to be the position up to 2002-2003.

The learned Single Judge dismissed the writ petition by observing that an effective alternative remedy is available to the petitioner under Section 5 (5) of the Andhra Pradesh Rights in Land and Pattedar Pass Books Act, 1971 (for short, 'the Act').

We have heard Shri P. Thirumala Rao and scrutinized the record. In our opinion, the learned Single Judge did not commit any error by refusing to entertain the writ petition on the ground of availability of alternative remedy to the appellant. It is neither the pleaded case of the appellant nor the learned counsel argued that remedy of appeal is not available to his client. Rather, the only submission made by him is that the remedy of appeal cannot be treated as an effective alternative remedy because there is no surety of early disposal of the appeal. This, in our considered view, cannot be a ground for entertaining the writ petition by ignoring the rule of alternative remedy. We cannot assume that the appeal, which may be filed by the appellant, will not be decided expeditiously. Rather, we can take judicial notice of the fact that the time spent in disposal of the appeal filed under Section 5 (5) of the Act is far less than the time consumed in adjudication of large number of petitions filed under Article 226 of the Constitution.

For the reasons stated above, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No.945 of 2007 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

June 19, 2007

C.V. NAGARJUNA REDDY, J

SVS